



Family Day Care Homes

809 N. Broadway

Milwaukee, WI 53202-3617

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Milwaukee's zoning ordinance classifies day care facilities as "family day care homes" and "day care centers." To be a permitted use as a **family day care home**:

- 1) The operation must serve eight (8) or fewer children at any given time.
- 2) The family day care home must operate in a single-family or two-family (duplex) dwelling unit. To be considered as a dwelling unit, the building must be the primary domicile of the state license holder or the direct caregiver. If such a building is not the primary domicile of the state license holder or the direct caregiver, then the building will be reviewed for compliance with the Wisconsin Commercial Building Code (WCBC).

This follows a recent interpretation from the Department of Commerce. The WCBC exempts one- and two-family dwellings used as a daycare for up to eight children and an individual needs to live in the building for it to be considered as a dwelling unit. **Existing Family Day Care Homes that are not the primary domicile of the state license holder or the direct caregiver are now subject to the requirements of the WCBC or must become the primary domicile of the state license holder or the direct caregiver.**

If the proposed Family Day Care is located in a living unit in a multifamily (3 or more units) or a mixed commercial / residential building, a certificate of occupancy is required. If the number of children served does not exceed five (5) the area will be reviewed for compliance with a Business (B) occupancy. If the number of children served is more than five (5), the space will need to meet the requirements for a day care as specified in the Wisconsin Commercial Building Code.

- 3) The main function of the dwelling unit must be as a home. The family day care operation must be only a secondary use of the dwelling unit.
- 4) The family day care home can operate only between the hours of 6:00 a.m. - 12:00 midnight
- 5) No signs are allowed if the family day care is in a residential zoning district.
- 6) Only one family day care home may operate in a building.

A family day care home does not require a certificate of occupancy (except as stated in #2 above). If a proposed family day care home does not meet these requirements, or if an existing licensed family day care wishes to amend its license in a way that does not meet these requirements, it must alter its operations to comply, or it must receive approval from the Board of Zoning Appeals of the City of Milwaukee.